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Fax Memo

TO: Mail Stop Amendment
USPTO

FAX NO.: (571) 273-8300

FROM: Terry W. Kramer
KRAMER & AMADO, P.C.

DATE: October 16, 2007

SUBJECT: U.S. Patent Application
Title: THROTTLING NETWORK MANAGEMENT AND
ELEMENT MANAGEMENT SYSTEM MESSAGING
Serial No.: 10/813,300
Attorney Docket No.: ALC 3123

PAGES: INCLUDING COVER PAGE (7)

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- Transmittal Form (1 page)
- Request for Reconsideration (5 pages)

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OCT 16 2007

PTO/SB/21 (09-06)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

10/813,300

Filing Date

March 31, 2004

First Named Inventor

Rashid Qureshi

Art Unit

2616

Examiner Name

Kan Yuen

Attorney Docket Number

ALC 3123

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

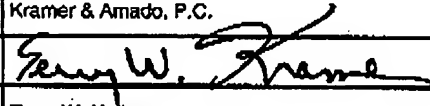
Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Kramer & Amado, P.C.

Signature



Printed name

Terry W. Kramer

Date

October 16, 2007

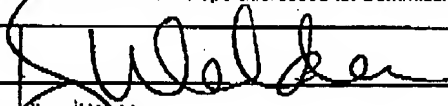
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41,541

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Ulmarie Walden

Date

October 16, 2007

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RECEIVED
CENTRAL FAX CENTER**OCT 16 2007****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Rashid Qureshi
For	:	THROTTLING NETWORK MANAGEMENT AND ELEMENT MANAGEMENT SYSTEM MESSAGING
Serial No.	:	10/813,300
Filed	:	March 31, 2004
Art Unit	:	2616
Examiner	:	Kan Yuen
Att. Docket	:	ALC 3123
Confirmation No.	:	4546

REQUEST FOR RECONSIDERATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Request is in response to the Office Action dated July 16, 2007, and is believed to be fully responsive to each point of the rejection raised therein. Accordingly, favorable reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

Claims 1-24 are pending in the present application. Claims 1, 6, 14, 18, 19 and 24 are independent.

The courtesies extended to Applicant's representative by Examiner Yuen at the interview held, July 30, 2007, are appreciated. The reasons presented at the interview as warranting

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favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

Examiner Yuen is thanked for agreeing during the interview that claims 14-18 are allowed. Examiner Yuen is further thanked for memorializing this agreement in the Interview Summary Form mailed August 2, 2007.

Claims 1, 6, 19, and 24 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Kalkunte et al. (US 6,115,356) (hereinafter "Kalkunte"). This rejection is respectfully traversed for at least the following reasons.

Claim 1 recites, "receiving an event message associated with a network element; at a point separate from the Qs channel process, determining from at least the fill level whether the event message is to be forwarded; and if the event message is to be forwarded, forwarding the event message to the Qs channel process" (emphasis added).

In contrast, Kalkunte discloses a switch that sends a pause frame to external nodes when a congestion condition is detected (Column 4, lines 13-23, 43-47). The receipt of a pause frame by a node only prevents it from sending data frames (event messages) to the switch (EMS) over a network (Column 1, lines 39-44). Kalkunte does not disclose, teach, or suggest that event messages have already been received by the EMS (i.e. are not prevented from being sent over the network) and a determination is made whether to forward the messages to the Qs channel process.

Claim 6 recites, "an event logger for receiving an event message associated with a network element, for determining from at least the fill level whether the event message is to be

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forwarded, and for forwarding the event message to the Qs channel process for storage in the at least one proxy buffer in the event that the event message is to be forwarded" (emphasis added).

In contrast, Kalkunte discloses a congestion monitor within a switch that detects the congestion level of output buffers in the switch and sends a pause frame to external nodes if a congestion condition is present (Column 4, lines 13-23, 43-47). The receipt of a pause frame by a node only prevents it from sending data frames (event messages) to the switch (EMS) over a network (Column 1, lines 39-44). Kalkunte does not disclose, teach, or suggest that the congestion monitor or any other component within the switch determines whether the event messages already received are to be forwarded. Furthermore, the transmission of a pause frame is not equivalent to forwarding an event message.

Claim 19 recites, "receiving an event message associated with a network element; determining from at least the fill level whether the event message is to be forwarded; and if the event message is to be forwarded, forwarding the event message to the Qs channel process for storage" (emphasis added). This subject matter recited in claim 19 is essentially identical to the subject matter from claim 1 quoted above. Thus, claim 19 is allowable for the reasons stated above in connection with claim 1.

Claim 24 recites, "[a] computer-readable medium storing software for throttling event messages at an element management system (EMS) ... the computer-readable medium comprising: instructions for receiving from the Qs channel process a callback message indicative of the fill level; ... instructions for determining from at least the fill level whether the event

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message is to be forwarded; and instructions for forwarding the event message to the Qs channel process for storage ... in the event that the event message is to be forwarded" (emphasis added).

In contrast, Kalkunte discloses a switch sending a pause frame to be received by a node external to the switch (Column 4, lines 43-47). Thus, any instructions for receiving a callback message indicative of the fill level (the pause frame) are stored on the external node. Kalkunte does not disclose, teach, or suggest that the instructions for receiving the message are stored on the EMS (switch). In addition, the receipt of a pause frame by a node only prevents it from sending data frames (event messages) to the switch (EMS) over a network (Column 1, lines 39-44). Kalkunte does not disclose, teach, or suggest that the EMS stores instructions for determining whether the event messages already received should be forwarded.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1, 6, 19 and 24 as allegedly being anticipated by Kalkunte be withdrawn.

Claims 2-5, 7-13 and 20-23 are allowable based at least on their dependence from claims 1, 6 and 19, respectively, for at least the reasons stated above in connection with the rejection of claims 1, 6 and 19.

CONCLUSION

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

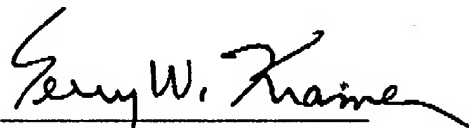
While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully

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requested that the Examiner contact the correspondence attorney listed below at the telephone number listed below in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.



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Date: October 16, 2007

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